

**CALIFORNIA DEPARTMENT OF MENTAL HEALTH
YEAR 2000 RULEMAKING CALENDAR**

<p>Schedule B</p> <p>Contact Person/Phone #: Teri Barthels, (916) 654-5691</p> <p>Affected Governments: California Department of Mental Health</p> <p>Federal Authority: None</p>	<p>Subject: Medi-Cal Specialty Mental Health Services.</p> <p>CCR Title, Number, & Sections affected: Title 9, Division 1, Chapter 11, Section 1800 <i>et seq.</i></p> <p>Authority & Reference Citations:</p> <p>Authority: Section 14680, Welfare and Institutions Code</p> <p>Reference: Section 1340 <i>et seq.</i>, Health and Safety Code; Sections 5520, 5705, 5718, 5720, 5724, 5775, 5776, 5777, 5778, 5779, 5780, 10950-10965, 11400, 14000, 14005, 14007.5, 14011, 14021.3, 14021.4, 14021.5, 14104.3, 14105.98, 14132, 14142, 14145, 14640, 14680, 14681, 14682, 14683, 14684, 14685, and 16115, Welfare and Institutions Code; and Title 42, Sections 1396d(a), 1396d(r), and 1396r-4, United States Code</p> <p>Comparable Federal Regulations: None</p>	<p>Problems Addressed: Two separate Medi-Cal systems are authorized through the California Medicaid State Plan, through which Medi-Cal beneficiaries may obtain specialty mental health services. These are Short-Doyle/Medi-Cal (SD/MC) services provided by county or city mental health departments and their subcontractors, and Fee-for-Service/Medi-Cal (FFS/MC) services provided by hospitals, nursing facilities, clinics, and individual psychiatrists and psychologists not contracting with city or county mental health departments.</p> <p>Presently, it is possible for beneficiaries to receive services in both systems. With the consolidation of both SD/MC and FFS/MC specialty mental health services, mental health plans (MHPs) will be responsible for the provision of medically necessary inpatient and specialty mental health services to all Medi-Cal beneficiaries in their county, thereby preventing provision of duplicative services.</p> <p>Alternatives Considered: There are no other alternatives to these regulations since the adoption of regulations is the only means of providing guidelines as required in provisions of AB 757 (Chapter 633, Statutes of 1994).</p> <p>Intended Benefits: These regulations are meant to provide general access for Medi-Cal beneficiaries to psychiatric inpatient hospital services and specialty mental health services. The regulations also standardize requirements for MHPs to participate in the provision of Medi-Cal mental health services</p> <p>Economic Impacts: No significant economic impact on private business is anticipated.</p>	<p>Legal Deadline: There is no legal deadline for adoption of these regulations.</p> <p>Sunset Review: The sunset review date for these regulations will be in Year 2005.</p> <p>Major Regulation: No</p> <p>Fiscal Impact:</p> <p>Local Government: Yes</p> <p>State Government: Yes</p> <p>Federal Funding of State Program: Yes</p>
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PROJECTED DATES FOR:

<u>Notice</u>	<u>Hearing</u>	<u>Adoption</u>	<u>To OAL</u>
11/5/99	12/20/99	6/00 (Emergency 11/97)	4/00

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<p>Schedule B</p> <p>Contact Person/Phone #: Regina Caton (916) 657-3764</p> <p>Affected Governments: California Department of Mental Health</p>	<p>Subject: Conflict of Interest Code</p> <p>CCR Title, Number, & Sections affected: Title 9, Division 1, Chapter 2, Section 400</p> <p>Authority & Reference Citations:</p> <p>Authority: Sections 87300 and 87306, Government Code.</p> <p>References: Section 87300, <i>et seq.</i>, Government Code</p> <p>Comparable Federal Regulations: None</p>	<p>Problems Addressed: The Political Reform Act requires every state agency to review its conflict of interest code biennially and submit a notice to the Fair Political Practices Commission that specifies if the code must be amended.</p> <p>Alternatives Considered: None</p> <p>Intended Benefits: Public officials may not make, participate in making, or in any way use or attempt to use their official positions to influence a governmental decision in which they know or have reason to know they have a disqualifying conflict of interest.</p> <p>Economic Impacts: No significant economic impact on private business is anticipated.</p>	<p>Legal Deadline: Any changes to be adopted biennially</p> <p>Sunset Review: July 1, 2001</p> <p>Major Regulation: No</p> <p>Fiscal Impact:</p> <p>Local Government: No</p> <p>State Government: No</p> <p>Federal Funding of State Program: No</p>				
<p style="text-align: center;">PROJECTED DATES FOR:</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 25%;"><u>Notice</u> 2/00</td> <td style="text-align: center; width: 25%;"><u>Hearing</u> 4/00</td> <td style="text-align: center; width: 25%;"><u>Adoption</u> 6/00</td> <td style="text-align: center; width: 25%;"><u>To OAL</u> 5/00</td> </tr> </table>				<u>Notice</u> 2/00	<u>Hearing</u> 4/00	<u>Adoption</u> 6/00	<u>To OAL</u> 5/00
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CALIFORNIA DEPARTMENT OF MENTAL HEALTH YEAR 2000 RULEMAKING CALENDAR

<p>Schedule B</p> <p>Contact Person/Phone #: Glen Barawed 3-2353 Dennis Supinger 4-2745</p> <p>Affected Governments: California Department of Mental Health</p> <p>Federal Authority: None</p>	<p>Subject: Rights of Penal Code Commitment and Sexually Violent Predator in State Hospitals</p> <p>CCR Title, Number, & Sections affected: Title 9 Division 1 Chapter 4 Article 6 Section 870 et. seq. (new sections)</p> <p>Authority & Reference Citations: Authority: Section 4027, Welfare and Institutions Code Reference: Sections 4027 and 1756, of the Welfare and Institutions Code; Sections 1026, 1026.2, 1364, 1370, 1610, and 2684, Penal Code</p> <p>Comparable Federal Regulations: None</p>	<p>Problems Addressed: The Welfare and Institutions Code Section 6600.05 requires that Atascadero State Hospital shall be used whenever a person is committed to a secure facility for mental health treatment as a Sexually Violent Predator (SVP), until a permanent housing and treatment facility is available. This necessitates that there be separate and more stringent rights regarding such issues as clothing, visitor access, personal property and definition and processing of contraband. The DMH currently has no statutory authority to promulgate separate regulations to address these SVP issues (DMH has submitted proposed legislation). While rights have been administratively implemented to meet the existing needs, such non-regulating policies are subject to challenge and litigation.</p> <p>Alternatives Considered: DMH has afforded SVP's the rights identified in Welfare and Institutions Code Section 5325. These rights were designed for persons involuntarily detained for evaluation or treatment under the provisions of the Lanterman-Petris-Short (LPS) Act or voluntarily admitted for psychiatric evaluation or treatment to any health facility. The SVP is neither detained for evaluation or treatment under the provisions of the LPS Act nor voluntarily admitted.</p> <p>Intended Benefits: Enhances safety of staff, patients and general public, while providing a secure treatment environment for the SVP population.</p> <p>Economic Impacts: Reduces costs to DMH in the form of Workers' Compensation claims by providing treatment for SVPs in a more restrictive setting which will reduce assaults on staff and other patients.</p>	<p>Legal Deadline: None</p> <p>Sunset Review: None</p> <p>Major Regulation: No</p> <p>Fiscal Impact:</p> <p>Local Government: No</p> <p>State Government: No</p> <p>Federal Funding of State Program: No</p>
<p align="center">PROJECTED DATES FOR:</p>			
<p><u>Notice</u> 9/2000</p>	<p><u>Hearing</u> 11/2000</p>	<p><u>Adoption</u> 2/2001</p>	<p><u>To OAL</u> 1/2001</p>

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<p>Schedule B</p> <p>Contact Person/Phone #: Alfred Nicholls (916) 654-2647</p> <p>Affected Governments: California Department of Mental Health</p> <p>Federal Authority: None</p>	<p>Subject: Mental Health Treatment Facility-Definition</p> <p>CCR Title, Number, & Sections affected: A new section will be added to: Title 9 Division 1 Chapter 3 Section 514.5</p> <p>Authority & Reference Citations:</p> <p>Authority. : Section 2356(a), Probate Code</p> <p>Reference: : Section 2350, <i>et seq.</i>, Probate Code</p> <p>Comparable Federal Regulations: None</p>	<p>Problems Addressed: California Probate Code (PrC), Section 2356 (a) provides that a conservatee may not be placed in a "mental health treatment facility" against his/her will with the exception of those involuntary placed under Section 5150 of the Welfare and Institutions Code. PRC requires the Department of Mental Health to adopt and issue regulations defining mental health treatment facility for the purpose of the above provisions. Over the years, a number of persons conserved under Probate Code provisions have been inappropriately placed in mental health facilities.</p> <p>Alternatives Considered: None</p> <p>Intended Benefits: Clarification of placement and treatment of individuals under the powers of Probate versus Lanterman-Petris-Short conservatorship would ensure that probate conservatees will be appropriately placed.</p> <p>Economic Impacts: None</p>	<p>Legal Deadline: None</p> <p>Sunset Review: None</p> <p>Major Regulation: No</p> <p>Fiscal Impact:</p> <p>Local Government: No</p> <p>State Government: No</p> <p>Federal Funding of State Program: No</p>				
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